

TRV 15 PGS

2010172941

Zoning Case No. C14-2010-0001 Zoning Case No. C14-2010-0047

AUSTIN CITY CLERK RECEIVED

RESTRICTIVE COVENANT

2010 DEC 8 PM 1 41

OWNER:

M.C. Joint Venture, a Texas joint venture partnership

SR Development, Inc., a Texas corporation

ADDRESS:

912 West Martin Luther King, Jr. Boulevard, Austin, TX 78701

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and

sufficiency of which is acknowledged.

PROPERTY:

Two tracts of land being a 11.039 acre tract, and a 21.072 acre tract, more or less, out of the Noel M. Bain Survey No. 1, Abstract No. 61, Travis County, the tracts of land being more particularly described by metes and

bounds in Exhibits "A and "B" incorporated into this covenant.

WHEREAS, the Owner (the "Owner", whether one or more) of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant ("Agreement"). These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

- 1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by Alan C. Hughes, P.E., and Robert J. Halls and Associates, dated October 20, 2010, or as amended and approved by the Director of the Planning and Development Review Department. All development on the Property is subject to the recommendations contained in the memorandum from the Transportation Review Section of the Planning and Development Review Department, dated November 8, 2010. The TIA shall be kept on file at the Planning and Development Review Department.
- 2. If any person or entity shall violate or attempt to violate this Agreement, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such Agreement, to prevent the person or entity from such actions, and to collect damages for such actions.
- 3. If any part of this Agreement is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this Agreement, and such remaining portion of this Agreement shall remain in full effect.

11-18-10 # 95.96

- 4. If at any time the City of Austin fails to enforce this Agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
- 5. This Agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property, or a portion of the Property, subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the 12th day of November, 2010.

OWNER:

M.C. Joint Venture, a Texas joint venture partnership

By: William G. Guragich Managing Partner

SR Development, Inc., a Texas corporation

William G. Gurasich,

APPROVED/AS/TO FORM:

Assistant City Attorney

City of Austin

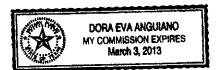
THE	STA	TE	OF	TEX	\mathbf{AS}
-----	-----	----	-----------	-----	---------------

§

COUNTY OF TRAVIS

8

This instrument was acknowledged before me on this the 2010, by William G. Gurasich, Managing Partner of M.C. Joint Venture, a Texas joint venture partnership, on behalf of the partnership.



Notary Public, State of Texas

THE STATE OF TEXAS

§

COUNTY OF TRAVIS

8

This instrument was acknowledged before me on this the 2010, by William G. Gurasich, President of SR Development, Inc., a Texas corporation, on behalf of the corporation.



DORA EVA ANGUIANO MY COMMISSION EXPIRES March 3, 2013

Notary Public, State of Texas

After Recording, Please Return to: City of Austin Department of Law P. O. Box 1088 Austin, Texas 78767-1088 Attention: Diana Minter, Paralegal

Restrictive covenant-Moores Crossing



EXHIBIT "A"

SR Development, Inc. M C Joint Venture December 16, 2009

LEGAL DESCRIPTION

DESCRIPTION OF AN 11.039 ACRE (480,869 SQUARE FOOT) TRACT OF LAND OUT OF THE NOEL M. BAIN SURVEY NO. 1, ABSTRACT NO. 61, IN TRAVIS COUNTY, TEXAS, BEING OUT OF A 78.71 ACRE TRACT DESCRIBED AS TRACT 2 AND CONVEYED TO SR DEVELOPMENT IN A DEED OF TRUST RECORDED IN DOCUMENT NUMBER 2005235676 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING OUT OF A 406.804 ACRE TRACT RECORDED IN VOLUME 11921, PAGE 585 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY. TEXAS: SAID 11.039 ACRE **TRACT** AS SHOWN ON ACCOMPANYING SKETCH AND DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2" iron rod with TXDOT aluminum cap found (Station 2547+52.22) at the intersection of the south right-of-way line of Elroy Road, a varying width right-of-way, and the west right-of-way line of Moore's Crossing Boulevard, a 70-foot wide right-of-way, for the northeast corner of this tract;

THENCE, with the west right-of-way line of Moore's Crossing Boulevard, the following five (5) courses:

- 1) S28°48'15"W, 233.58 feet to a 1/2" iron rod with cap set at a point of curvature of a curve to the left;
- 2) Along said curve to the left, having a radius of 685.00 feet, a central angle of 10°32'41", an arc length of 126.07 feet and a chord that bears \$23°20'08"W, 125.89 feet to a 1/2" iron rod with cap set at the point of tangency of said curve;
- 3) S18°03'43"W, 463.68 feet to a 1/2" iron rod with cap set at a point of curvature of a curve to the right;
- 4) Along said curve to the right, having a radius of 615.00 feet, a central angle of 22°00'02", an arc length of 236.15 feet and a chord that bears \$29°03'43"W, 234.70 feet to a 1/2" iron rod with cap set at the point of tangency of said curve;
- 5) S40°06'51"W, 171.25 feet to a 1/2" iron rod with cap set for a point of curvature of a curve to the right;

Page 1 of 5

SCANNED

THENCE, along said curve to the right, having a radius of 25.00 feet, a central angle of 89°57'01", an arc length of 39.25 feet and a chord that bears S85°05'17"W, 35.34 feet to a 1/2" iron rod with cap set at the point of tangency on the north line of a 0.895 acre tract described in a deed to the City of Austin recorded in Volume 10861, Page 173, of the Real Property Records of Travis County, Texas;

THENCE, N49°56'17"W, 359.54 feet, with the north line of said 0.895 acre tract, to a 1/2" iron rod with TXDOT aluminum cap found (Station 2559+95.23) on the east right-of-way line of State Highway 130, a varying width right-of-way, at the southwest corner of this tract, from which a TXDOT aluminum cap found (Station 2559+28.40) bears S23°20'14"W, 66.83 feet;

THENCE, with the east right-of-way line of State Highway 130, the following two (2) courses:

- 1) N23°20'14"E, 837.53 feet to a 1/2" iron rod with TXDOT aluminum cap found (Station 2551+28.41) for an angle point of this tract;
- 2) N47°51'07"E, 306.54 feet to a 1/2" iron rod with TXDOT aluminum cap found (Station 2548+10.40) on the south right-of-way line of Elroy Road for the northwest corner of this tract;

THENCE, S69°25'15"E, 301.08 feet, with the south right-of-way line of Elroy Road and the north line of this tract, to the **POINT OF BEGINNING** and containing 11.039 acres (480,869 square feet) of land.

BEARING BASIS NOTE

All bearings described herein are based upon the Texas State Plane Coordinates System, NAD 83 (1986) South Central Zone. Based on a survey done by MAI dated December 26, 2007.

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

That I, Carmelo L. Macias, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 16th day of December, 2009, A.D.



Macias & Associates, L.P. 5410 South 1st Street Austin, Texas 78745 512-442-7875

Carmelo L. Macias

Registered Professional Land Surveyor

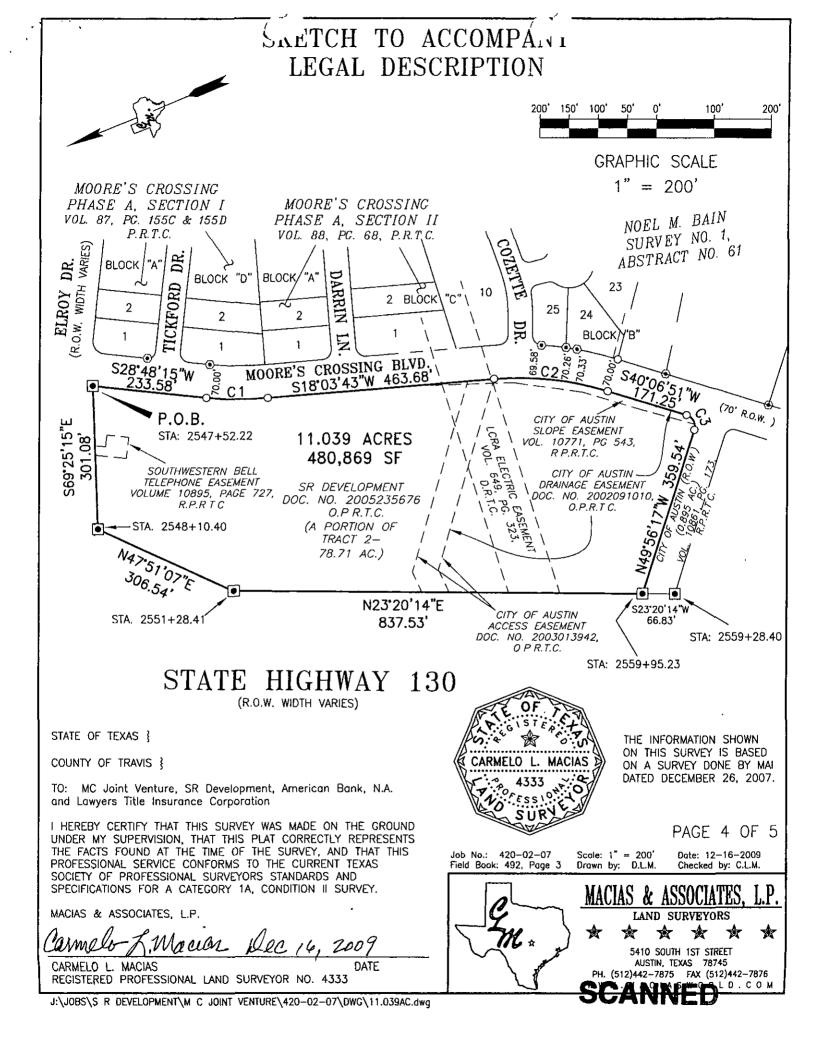
Carmelo L. Macias

No. 4333 – State of Texas

REFERENCES

Austin Grid No. N 12 TCAD PARCEL ID NO. 03-3931-0107 MACIAS & ASSOCIATES, L.P., PROJECT NO. 420-02-07





LEGEND		
•	1/2" IRON ROD FOUND W/TX DOT ALUMINUM CAP (UNLESS NOTED),	
•	1/2" IRON ROD FOUND WITH PLASTIC CAP (UNLESS NOTED)	
0	1/2" IRON ROD SET WITH PLASTIC CAP	
P.O.B.	POINT OF BEGINNING	
R.O.W.	RIGHT-OF-WAY	
D.R.T.C.	DEED RECORDS OF TRAVIS COUNTY	
P.R.T.C.	PLAT RECORDS OF TRAVIS COUNTY	
R.P.R.T.C.	REAL PROPERTY RECORDS OF TRAVIS COUNTY	
O.R.T.C.	OFFICIAL RECORDS OF TRAVIS COUNTY	
0.P.R.T.C.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY	
()	RECORD INFORMATION	

BEARING BASIS:

ALL BEARINGS SHOWN HEREON ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD83 (1986), CENTRAL ZONE. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES. SURFACE ADJUSTMENT SCALE FACTOR IS 1.00011.

No portion of this survey is within the 100-year flood plain boundary as shown on the Flood Insurance Rate Map Community - Panel Number 48453C0620H, revised date: SEPTEMBER 26, 2008.

CURVE DATA

NUMBER	Delta Angle	Radius	Arc Length	Chord Length	Chord Bearing
C1	10'32'41"	685.00	126.07	125.89'	S23'20'08"W
C2	22'00'02"	615.00	236.15	234.70	S29'03'43"W
C3	89'57'01"	25.00	39.25	35.34	S85'05'17"W

The easements shown or noted and addressed on this survey are those listed in Schedule B of title commitment issued by Lawyers Title Insurance Corporation, GF No. 0716952—RHA, effective date: November 1 2007.

The following easements do not apply to this tract:

Volume 434, Page 332, Shell Pipeline Easement

Volume 628, Page 550, Shell Pipeline Easement

Volume 10753, Page 946, City of Austin

Volume 10762, Page 152, Lone Star Gas Company Easement

Volume 10894, Page 198, Ensearch Corporation Easement

Volume 10908, Page 1480, City of Austin Electric and Telephone Easement

Volume 10979, Page 730, Koch Refining Company Easement

Volume 10753, Page 937, Travis County Slope Easement

Volume 10771, Page 538, Drainage Detention & Access Easement

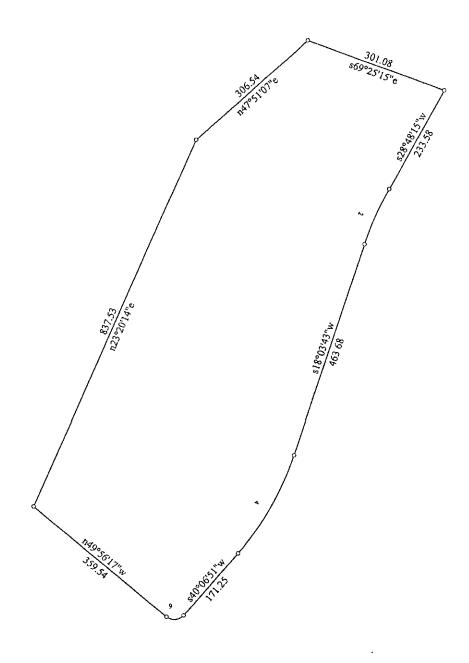
Document No. 2002193264, City of Austin Electric Easement

Document No. 2002151212, City of Austin Electric Easement

Document No. 2002091010, City of Austin Drainage Easement

Document No. 2002091009, City of Austin Drainage Easement





Date: 12-16-2009 Title: 11.039 Plat Scale: 1 inch = 200 feetFile: 11.039 AcPlt.des Tract 1: 11.039 Acres: 480867 Sq Feet: Closure = s24.0533w 0.05 Feet: Precision = 1/61495: Perimeter = 3075 Feet 009=n47.5107e 306.54 001=s28.4815w 233.58 005=s40.0651w 171.25 002: Lt, R=685 00 Bng=s23.2008w, Chd=125 89 006 Rt, R=25.00 Bng=s85 0517w, Chd=35 34 010=s69.2515e 301.08 003=s18.0343w 463.68 004: Rt, R=615 00 Bng=s29.0343w, Chd=234.70 007=n49.5617w 359.54

008=n23.2014e 837.53

SCANNED



M.C. JOINT VENTURE April 14, 2010

LEGAL DESCRIPTION

DESCRIPTION OF A 21.072 ACRE (917,897 SQUARE FOOT) TRACT OF LAND IN THE NOEL M. BAIN SURVEY NO. 1, ABSTRACT NO. 61, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 22.800 ACRE TRACT CONVEYED TO M.C. JOINT VENTURE, BY A SPECIAL WARRANTY DEED RECORDED IN DOCUMENT NUMBER 2009193716, OFFICIAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS AND ALSO BEING A PORTION OF THE CALLED 70-FOOT WIDE RIGHT-OF-WAY (KNOWN AS MOORE'S CROSSING BOULEVARD) DEDICATED IN VOLUME 10467, PAGE 982 OF SAID REAL PROPERTY RECORDS; SAID 21.072 ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH AND DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2" iron rod with a Texas Department of Transportation aluminum cap found on the east right-of-way line of SH130 (Station 2575+22.88), the north line of a called 98.981 acre tract recorded in Cause Number 329564, Probate Records of Harris County, Texas, described in Document Number 2002086775, Official Public Records of Travis County, Texas, and the south line of the above mentioned 22.800 acre tract:

THENCE, S61°54'18"E, 83.75 feet, departing said east right-of-way line of SH130, with the north line of said 98.981 acre tract and the south line of said 22.800 acre tract, to a 1/2" iron rod with a plastic cap stamped "Macias & Assoc." set at the intersection of the west right-of-way line of said 70-foot wide right-of-way dedicated in Volume 10467, Page 982, and the common line of said 98.981 acre tract and said 22.800 acre tract, for the west corner and POINT OF **BEGINNING** hereof;

THENCE, with said west right-of-way line of Moore's Crossing Boulevard the following three (3) courses and distances;

- 1. N28°06'13"E, 586.80 feet to a 1/2" iron rod with a plastic cap stamped "Macias & Assoc." set on the point of curvature of a curve to the right;
- 2. Along said curve to the right having a radius of 1,855.00 feet, a central angle of 12°01'15", an arc length of 389.18 feet and a chord that bears N34°04'41"E, 388.47 feet to a 1/2" iron rod with a plastic cap stamped "Macias & Assoc." set at the point of tangency of said curve;
- 3. N40°06'51"E, 345.64 feet to a calculated point for the north corner of this 5410 South 1st Street • Austin. Texas 78745 • (512) 442-7875 • Fax (512) 442-7876 • www.maciasworld.com

 Page 1 of 5

THENCE, S49°33'32"E, 70.00 feet, crossing said right-of-way of Moore's Crossing Boulevard, to a 1/2" iron rod with a plastic cap found in the east right-of-way line of said Moore's Crossing Boulevard, at west corner of the City of Austin Park tract recorded in Document Number 2003100667, Official Public Records of Travis County, Texas;

THENCE, along the south line of said City of Austin Park tract, the following three (3) courses and distances:

- 1. S49°33'32"E 311.08 feet to a 1/2" iron rod with a cap found for an angle point of this tract;
- 2. S29°23'16"E, 358.67 feet to a 1/2" iron rod with cap found for an angle point of this tract;
- 3. S54°11'11"E, 84.04 feet to a 1/2" iron rod with cap found for an angle point of this tract;

THENCE, S47°05'15"E, 24.62 feet, crossing a 25-foot wide City of Austin Drainage Easement recorded in Document Number 2002091009, Official Public Records of Travis County, to a 1/2" iron rod with cap found at the southwest corner of the right-of-way of Dove Flight Drive (50-foot right-of-way width) as shown on the plat of Stoney Ridge, Section 5-A, a subdivision recorded in Document Number 200200132, Official Public Records of Travis County, Texas, for the east corner of this tract;

THENCE, with the east line of said City of Austin Drainage Easement and the west line of Block D, of said Stoney Ridge, Section 5-A, the following three (3) courses and distances;

- 1. S35°23'35"W, 145.17 feet to a 1/2" iron rod with cap found for an angle point of this tract;
- 2. S32°02'16"W, 267.70 feet to a 1/2" iron rod with cap found for an angle point of this tract;
- 3. S27°55'25"W, at 223.71 feet pass a 1/2" iron rod with cap found at the northwest corner of the right-of-way of Arrowmound Pass (50-foot right-of-way width), as shown on said plat of Stoney Ridge, Section 5-A, in all a distance of 273.71 feet to a 1/2" iron rod with plastic cap stamped "Macias & Assoc." set at the southwest corner of said right-of-way of Arrowmound Pass;

THENCE, S62°04'35"E, 25.00 feet to a 1/2" iron rod with plastic cap stamped "Macias & Assoc." set at the northwest corner of Lot 1, Block G, of said Stoney Ridge, Section 5-A, for an angle point of this tract;

THENCE, S27°55'25"W, 117.00 feet, with the west line of said Lot 1, Block G, to a 1/2" iron rod with plastic cap stamped "Macias & Assoc." set on the southwest corner of said Lot 1, Block G, in the north line of a called 29.40 acre tract recorded in Volume 3765, Page 997, Deed Records of Travis County, Texas, for the south corner of this tract;

THENCE, N62°06'40"W, at 100.54 feet pass the northwest corner of said 29.40 acre tract and the northeast corner of a called 10.00 acre tract recorded in Volume 4013, Page 914, Deed Record of Travis County, Texas, continuing a total distance of 472.34 feet to a 1/2" iron rod with plastic cap stamped "Macias & Assoc." set at the northwest corner of said 10.00 acre tract, for an angle point of this tract;

THENCE, S27°40'58"W, 215.97 feet, with the west line of said 10.00 acre tract, to a 1/2" iron rod with plastic cap stamped "Macias & Assoc." set at the northeast corner of said 98.981 acre tract, for an angle point of this tract;

THENCE, N61°54'18"W, 342.89 feet, with the north line of said 98.981 acre tract and the south line of said 22.800 acre tract, to a 1/2" iron rod found at the intersection of the east right-of-way line of said Moore's Crossing Boulevard, and the common line of said 98.981 acre tract and said 22.800 acre tract;

THENCE, N61°54'18"W, 70.00 feet, crossing said Moore's Crossing Boulevard, to the POINT OF BEGINNING and containing 21.072 acres (917,897 square feet) of land;

BEARING BASIS NOTE

All bearings described herein are based upon the Texas State Plane Coordinates System, NAD 83 (1986) Central Zone.

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS

That I, Carmelo L. Macias, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 14th day of April,

2010, A.D.

Macias & Associates, L.P.

5410 South 1st Street Austin, Texas 78745

512-442-7875

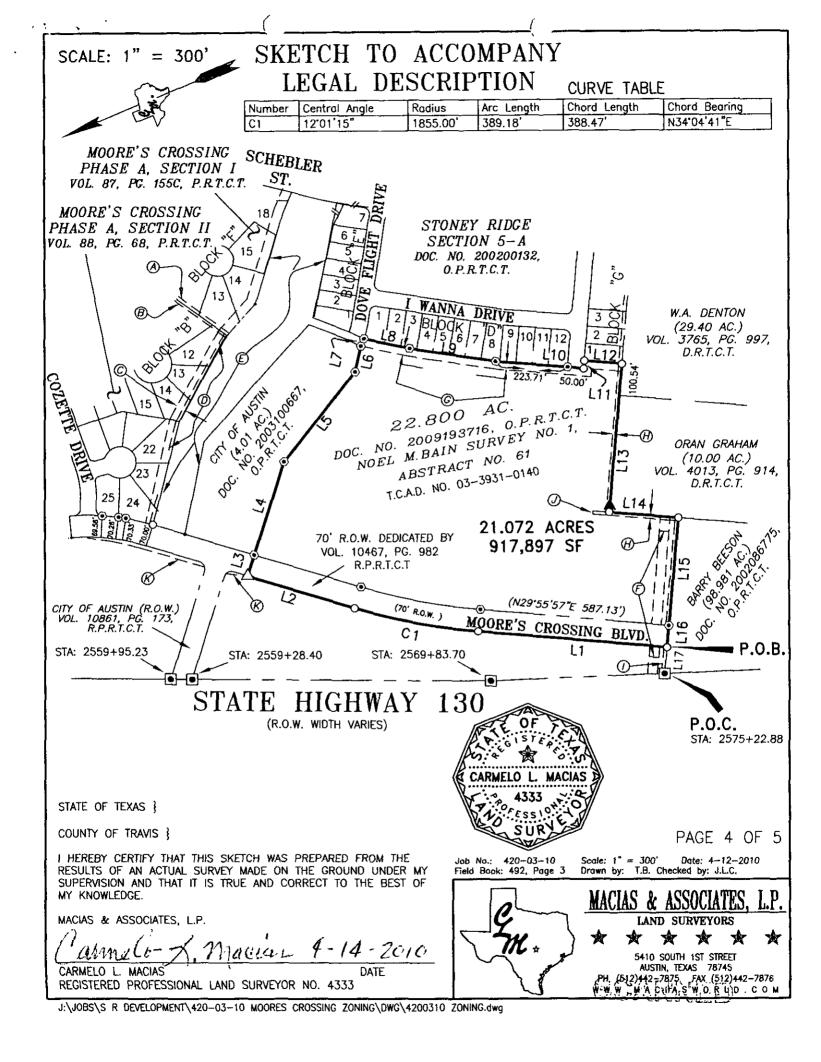
Carmelo L. Macias

Registered Professional Land Surveyor

No. 4333 – State of Texas

REFERENCES

MAPSCO 677-X & 707-B, Austin Grid No. N-13, N-12 TCAD PARCEL ID NO. 03-3931-0140 Macias & Associates, L.P., Project No. 420-03-10 SCANNED



A. 10' P.U.E. VOL. 88, PG. 68, P.R.T.C.T.

<u>. . .</u> . .

- B. 7.5' P.U.E. VOL. 88, PG. 68, P.R.T.C.T.
 C. CITY OF AUSTIN 30' DRAINAGE & PUBLIC UTILITY EASEMENT, VOL. 88, PG. 68,
- D. LIMITS OF 100 YR. FLOODPLAIN, VOL. 88, PG. 68, P.R.T.C.T.
- E. CITY OF AUSTIN DRAINAGE DETENTION AND ACCESS EASEMENT, VOL. 10771 PG 538, RPRICT
- F. LAVACA GATHERING COMPANY PIPELINE EASEMENT, VOL. 2684, PG. 516, D.R.T.C.T.
- G. CITY OF AUSTIN 25' DRAINAGE EASEMENT DOCUMENT NO. 2002091009, O.P.R.T.C.T.
 H. CITY OF AUSTIN ELECTRIC EASEMENT DOC. NO. 2002151211, O.P.R.T.C.T.
 I. CITY OF AUSTIN ELECTRIC EASEMENT DOC. NO. 2002151212, O.P.R.T.C.T.
 J. CITY OF AUSTIN ELECTRIC EASEMENT DOC. NO. 2002193264, O.P.R.T.C.T.
 K. CITY OF AUSTIN SLOPE EASEMENT, VOL. 10771, PG. 543 R.P.R.T.C.T.

 BEARING

LEGEND

•	1/2" IRON ROD FOUND W/TX DOT ALUMINUM			
	CAP (UNLESS NOTED),			

- 1/2" IRON ROD FOUND WITH PLASTIC CAP ◉ (UNLESS NOTED)
- 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED " MACIAS & ASSOC." О
- Δ CALCULATED POINT
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- --//---WOOD FENCE
- PL PROPERTY LINE
- RIGHT-OF-WAY R.O.W.
- ESMT. EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- D.R.T.C.T. DEED RECORDS OF TRAVIS COUNTY, TEXAS
- P.R.T.C.T. PLAT RECORDS OF TRAVIS COUNTY, TEXAS
- R.P.R.T.C.T. REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- N.T.S. NOT TO SCALE
-) RECORD INFORMATION

BEARING BASIS:

ALL BEARINGS SHOWN HEREON ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD83 (1986), CENTRAL ZONE. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES. SURFACE ADJUSTMENT SCALE FACTOR IS 1.00011.

LINE TABLE

NUMBER	Distance	Bearing
L1	586.80'	N28'06'13"E
1.2	345.64	N40*06'51"E
L3	70.00'	S49°33'32"E
L4	311.08′	S49'33'32"E
L5	358.67'	S29'23'16"E
L6	84.04	S54*11'11"E
L7	24.62'	S47'05'15"E
L8	145.17'	S35*23'35"W
L9	267.70'	S32'02'16"W
L10	273.71'	S27*55'25"W
L11	25.00'	S62'04'35"E
L12	117.00'	S27 55'25"W
L13	472.34'	N62'06'40"W
L14	215.97'	S27°40'58"W
L15	342.89'	N61'54'18"W
L16	70.00'	N61'54'18"W
L17	83.75	S61'54'18"E

COARMED

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Nov 19, 2010 11:07 AM

2010172941

HOLMC: \$72.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS